

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAR -6 PM 12:15

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Ricardo RUIZ-Espinal,

Defendant(s)

Magistrate Case No.

'08 MJ 07 16

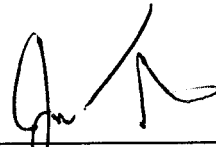
COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 5, 2008**, within the Southern District of California, defendant **Jose Ricardo RUIZ-Espinal** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martin VARGAS-Valencia**, and **Alejandro PENA**, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

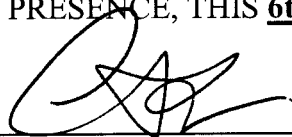
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF MARCH 2008



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

FAS

CONTINUATION OF COMPLAINT:

Jose Ricardo RUIZ-Espinal

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Martin VARGAS-Valencia, and Alejandro PENA**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 5, 2008, at approximately 8:00 AM, Border Patrol Agents J. Castillo and J. Angeli were performing anti-smuggling duties in the Brown Field Border Patrol Station's area of operations near Jamul, California. This area is frequently used by Alien Smuggling Organizations (ASO) as a designated pick-up spot for illegal aliens that have circumvented the State Route (SR) 94 Border Patrol Checkpoint. Agent Castillo was wearing plainclothes driving an unmarked service vehicle while Agent Angeli was in full Border Patrol Uniform driving a marked service vehicle. Both vehicles are equipped with fully functioning lights and sirens.

Agents Castillo and Angeli were conducting surveillance and noticed a black Ford Explorer driving eastbound on Lyons Valley Road towards Harper Ranch Road. Approximately five minutes later, Agent Castillo noticed the same vehicle drive past her location. Agent Castillo notified Agent Angeli of the vehicle's location. As the vehicle passed Agent Angeli's location, he pulled in behind the vehicle and observed a male driver later identified as defendant **Jose Ricardo RUIZ-Espinal**. As the vehicle turned onto Jamul Highlands, Agent Angeli activated his emergency equipment. The suspect vehicle failed to yield and continued south on Jamul Highlands for approximately a quarter mile and turned onto Paleo Road where the defendant bailed out the vehicle. Agent Angeli secured the vehicle and noticed two individuals attempting to conceal themselves in the back seat. Agent Angeli identified himself as a United States Border Patrol Agent and conducted an immigration inspection on both subjects. Both individuals admitted to being in the United States illegally, without any documents allowing them to be or remain in the United States legally.

Agent Castillo located the defendant, after tracking his footprints to a bush where he attempted to conceal himself. Agent Castillo identified herself as a United States Border Patrol Agent and conducted an immigration inspection on the defendant. The defendant admitted to being a citizen and national of Mexico without any immigration documents that would allow him to be or remain in the United States legally. At 8:05 AM, the three subjects including the defendant were placed under arrest and transported back to the 94 Checkpoint for further processing.

FAK

CONTINUATION OF COMPLAINT:

Jose Ricardo RUIZ-Espinal

DEFENDANT STATEMENT:

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. The defendant also admitted to smuggling aliens on this event in order to pay off his debt of \$1500 (U.S.) after he was smuggled on March 1, 2008.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Martin VARGAS-Valencia and Alejandro PENA**, agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally with the aid of a foot guide.. VARGAS stated that he was to pay \$1,500.00 (US) to be smuggled into the United States. PENA stated that he was to going to pay the smuggling fees by working once he would have reached Los Angeles, CA.